

Panaji, 18th May, 1989 (Vaisakha 28, 1911)

SERIES II No. 7

OFFICIAL GAZETTE

GOVERNMENT OF GOA

GOVERNMENT OF GOA

Department of Personnel

Order

No. 5/2/80-PER

Read: — Order No. 5/2/80-PER dated 25-4-1989.

The Government order read above is hereby cancelled. Consequently, the deputation period of Shri M. K. Bhandare, Group 'A' Officer in the Grade of Director of Administration, Public Works Department/Electricity Department, presently

working as Chief Executive Officer, Goa, Daman and Diu Khadi and Village Industries Board, Panaji (on deputation) is hereby extended for a further period of one year from 2-4-1989 to 1-4-1990 on the terms and conditions stipulated in Government of India, Ministry of Personnel and Public Grievances Office Memorandum No. 2/12/87-Estt(Part II) dated 29-4-1988.

He will not be entitled for deputation allowance.

By order and in the name of the Governor of Goa.

Smt. Prabha Chandran, Under Secretary (Personnel).

Panaji, 8th May, 1989.

Order

No. 6/3/81-PER

The Government is pleased to transfer the following Grade II Officers of Civil Service with immediate effect: —

Sr. No.	Name of the officer	Present posting	Posting on transfer
1.	Shri R. Mihira Vardhan	Additional Deputy Collector, Collectorate of North Goa, Panaji	Additional Deputy Collector in the office of the Deputy Collector, Mapusa Sub-Division, Mapusa.
2.	Shri P. Sreenivasa Reddy	Additional Deputy Collector, Collectorate of South Goa, Margao	Deputy Registrar, Government Polytechnic, Panaji (vacant post).

By order and in the name of the Governor of Goa.

Smt. Prabha Chandran, Under Secretary (Personnel).

Panaji, 28th April, 1989.

Home (General) Department

Order

No. 1/80/83-HD(G)

Read: Govt. Order No. 1/80/83-HD(G) dated 26-10-1988.

Government is pleased to extend the term of deputation of Dr. N. V. Raikar, Police Medical Officer upto 31-10-1989.

By order and in the name of the Governor of Goa.

P. W. Rane Sardesai, Under Secretary (Home).

Panaji, 4th May, 1989.

Department of Labour

Order

No. 28/17/89-ILD

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. Kane Industries, Margao, and their workmen represented by the Goa Trade and Commercial Workers' Union in respect of the matter specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the 'said Act'), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, Daman and Diu at Panaji-Goa, constituted under section 7-A of the said Act.

SCHEDULE

"Whether the action of the management of M/s. Kane Industries, Margao, in closing down the establishment with effect from 16-11-1988 and also terminating the services of the following workmen with effect from 15-11-1988 is legal and justified?"

1. Shri Rudolf Noronha, Turner.
2. Shri Bhisajee G. Bandivadikar, Turner.
3. Shri Parshuram Yellapa Kedar, Crank Grinder Operator.
4. Shri Madhukar Tandel, Horning Operator and Hand Grinder.
5. Shri Nanda Chari, Shaper and Fitter.

If not, to what relief the workmen are entitled?"

By order and in the name of the Governor of Goa.

Subhash V. Elekar, Under Secretary (Labour).

Panaji, 26th April, 1989.

Order

No. 28/2/88-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Dispute Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Governor of Goa.

Subhash V. Elekar, Under Secretary (Labour).

Panaji, 13th April, 1989.

**IN THE INDUSTRIAL TRIBUNAL
GOVERNMENT OF GOA
AT PANAJI**

(Before Shri S. V. Nevagi, Hon'ble Presiding Officer)

Reference No. IT/26/77

Workmen	→ Party I
V/s.	
M/s Goa Shipyard Ltd.,	→ Party II

Panaji, Dated: 11th March, 1989.

AWARD

This is a reference made by the Government of Goa, by its order No. IRM/CON/(21)/76/IT-18/77 dated 17th November, 1977 with an annexure scheduled thereto which reads as follows:

"Whether the workmen of M/s Goa Shipyard Limited, Vaddem, Vasco da Gama, represented by the Goa Shipyard Labour Union, Vasco da Gama, are entitled to wages for the period from 19-11-1975 to 27-12-1975?

The point involved in this Government reference is regarding the wages for the period between 19-11-75 to 27-12-75, a period on which the members of the party I/Union were on strike.

According to Party II/Goa Shipyard hereinafter referred to as the Company the Union had served a charter of demands on 4-3-75 for which the Company invited the union for discussion on 17-5-75 which continued till 7-6-75 and a tentative settlement subject to the approval to the Board of Directors was arrived at. The Board of Directors approved of the proposals on 22-7-75 and the proposal was sent to the Defence Ministry for sanction of the President of India. These facts are borne out on records. Pending sanction the workmen held a meeting on 8-11-75 and go slow and non-cooperation were started on that day and the situation went on deteriorating as a result of 'go slow' and non cooperation. There were also other incidents such as gherao etc., and continued dis-orderly behaviour started resulting in the suspension of 21 workmen as per Memo dated 18-11-75. Thereafter in spite of the ban on strike the strike commenced on 19-11-75 and ended on 27-12-75.

After giving the above facts it is submitted on behalf of the management of the company that for the period of strike the rule 'No Work No Pay' comes into play and for this reliance is placed on the authority of the Allahabad High Court reported in 1982, LAB. I.C. page 51. The broad principle is that the burden lay on the workmen to prove the plea set out by them. In the present case it has to be noted that the Union representing the workmen chose to remain absent, in spite of repeated notices. The case fixed on 29-1-88 was adjourned to 26-2-88 at the request of the Union. On 22-6-88 evidence of the witness of workmen was partly recorded. The matter was adjourned to 8-4-88 for evidence of the workmen. The matter was adjourned at the request of the workmen to 4-5-88, 15-7-88, 10-8-88, 29-9-88 and lastly on 1-11-88 Advocate Guru Shirodkar representing the Union withdrew from the Case. Consequently, a fresh notice was issued to the Union returnable on 15-12-88. On that day as the postal acknowledgment was not received a fresh notice

was issued. Further information was called for from the Supdt. of the post office about the service of the letter to the Union and the postal authority informed that the letter sent by this court was served on the Gen. Secretary of the Union. Still the case was adjourned to 27-2-89 and 10-3-89 to see whether the union puts up its appearance. The Union has evinced no interest in the matter and the submissions on behalf of the company are placed on record.

After going through the facts on record and the submissions made on behalf of the company and considering the observations of the Supreme Court in the case of management of F.C.I. v/s the workmen reported in 1970, LAB I.C. page 743, I feel that the Union is not interested in the matter. The question involved is regarding the pay for the strike period and it is for the Union to substantiate the claim by leading cogent evidence. The Union has failed to lead its evidence while the evidence led by the Company is not challenged by the Union and that evidence which is gone unchallenged will have to be accepted in the circumstances of the case. In the result, I pass the following order:

ORDER

Considering the facts and circumstances of the case, it is hereby held that the workmen of M/s Goa Shipyard Limited, Vaddem, Vasco da Gama, represented by the Goa Shipyard Labour Union, Vasco da Gama are not entitled to wages for the period from 19-11-75 to 27-12-75.

There shall be no order as to costs.

Inform the Government accordingly about the passing of the award.

S. V. Nevagi,
Presiding Officer,
Industrial Tribunal.

Law (Establishment) Department

Notification

No. 5/40/89/LD(1)

In exercise of the powers conferred by Section 3 of the Notaries Act 1952 (Central Act 53 of 1952) read with Rule 8 of the Notaries Rules, 1956, the Government of Goa hereby appoints Shri Keshav Soiroo Angley, Advocate, Margao, as a Notary for a period of three years with effect from 21-3-1989 in and throughout the area of Margao Judicial Senior Division.

By order and in the name of Governor of Goa.

Maria A. Rodrigues, Under Secretary (Law).

Panaji, 28th March, 1989.

District and Sessions Court, Panaji

Order

No. DSC/DD/L/159/89/2041

Shri D. P. Dabholkar, Civil Judge, Junior Division & Judicial Magistrate, F. C., Mapusa is provisionally granted Earned Leave for 4 days w.e.f. 26-4-89 to 30-4-89 with permission to suffix vacation.

Certified that but proceeding on leave he would have officiated as Civil Judge, Jr. Div. & Judicial Magistrate, First Class.

On expiry of leave granted he is likely to be posted in the same station from where he is proceeding on leave.

During Shri Dabholkar's absence on leave Shri C. Fernandes, Civil Judge, Jr. Div. & J.M.F.C., Pernem stationed at Mapusa, shall look after work of Civil and Criminal matters of his court.

Eurico Santana da Silva, District & Sessions Judge.

Panaji, 11th April, 1989.

GOVT. PRINTING PRESS — GOA

(Imprensa Nacional — Goa)

PRICE — Rs. 0-25 Ps.